

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC
 Attorneys for Petitioner
 46 Trinity Place
 New York, New York 10006
 212-297-0050
 Todd P. Kenyon (TK 7654)
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK



-----X
 MS MADELEINE :
 SCHIFFAHRTSGESELLSCHAFT MBH :
 & CO KG, :
 Petitioner, :
 : :
 -against- :
 : :
 TRINITY SHIPPING LINES S.A., :
 : :
 Respondent. :
 -----X

11 Civ.

**PETITION TO
 COMPEL ARBITRATION**

Petitioner, MS Madeleine Schiffahrtsgesellschaft MBH & Co. Kg, and her interests as they may appear, ("MS Madeleine"), by and through its attorneys, Betancourt, Van Hemmen, Greco & Kenyon LLC, for its Petition against Respondent, alleges upon information and belief as follows:

1. Petitioner MS Madeleine is an entity organized under the laws of a foreign country with a place of business at Hamburg, Germany.
2. Upon information and belief, respondent Trinity Shipping Liens S.A. is a corporation organized under the laws of a foreign country with a place of business at 10305 N.W. 41st Street - Suite 126, Miami, Florida 33178.

3. This Court has admiralty jurisdiction pursuant to 28 U.S.C. § 1333 and this Petition is brought pursuant to 9 U.S.C. § 1, et. seq.

4. On or about September 24, 2002, in Miami Florida the parties entered into a NYPE form Time Charter Party for the vessel MS MADELEINE ("Charter"), with MS Madeleine as an Owner and Trinity Shipping as a Charterer.

5. The dispute resolution provision of the Charter provides for the resolution of disputes by arbitration before "three persons at New York, one to be appointed by each of the parties hereto, and the third by the two so chosen; their decision or that of any two of them, shall be final and for the purpose of enforcing any award this agreement made be made a rule of the court. US law to apply. The arbitrators to be commercial men conversant with shipping matters." (Clause 17.)

6. A dispute arose between the parties as a consequence of the discharge of damaged cargo from the Vessel at the port of Callao, Peru in November, 2004.

7. On July 16, 2009, pursuant to the Charter, MS Madeleine nominated its arbitrator and demanded arbitration of its indemnity claim arising from the cargo damage claim. (See July 16, 2009, Letter attached as Exhibit A.)

8. Despite due demand, and subsequent requests that Trinity Shipping provide its nomination, Trinity Shipping has refused and failed to appoint its arbitrator or proceed to arbitration as required by the Charter.

WHEREFORE, Petitioner prays:

A. That this Court select Trinity Shipping's arbitrator from among the Officers and Board of Governors of the Society of Maritime Arbitrators, which list of arbitrators is attached as Exhibit B, and direct Trinity Shipping to proceed to arbitration in accordance with the Charter's arbitration provision; and

B. That this Court grant MS Madeleine such other, further and different relief as is deemed just and proper, including the attorneys fees and costs of this proceeding.

Dated: November 14, 2011

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC
Attorneys for Petitioner

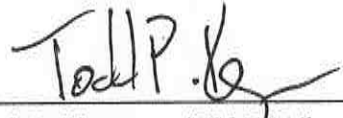
By 
Todd P. Kenyon (TK 7654)
Attorneys for Petitioner
46 Trinity Place
New York, New York 10006
212-297-0050

EXHIBIT A

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC

46 TRINITY PLACE
NEW YORK, NEW YORK 10006

Telephone: 212-297-0050
www.bvgklaw.com

Ronald Betancourt
Jeanne-Marie D. Van Hemmen
John Greco
Todd P. Kenyon

Of Counsel
Virginia A. Harper

July 16, 2009

By Federal Express

Trinity Shipping Lines S.A.
10305 N.W. 41st Street - Suite 126
Miami, Florida 33178

Re: In re Charter between M/S Madeleine Schiffahrtsgesellschaft MBH &
Co. KG and Trinity Shipping Lines S.A. dated 24 September 2002

Dear Sirs:

We are attorneys representing M/S Madeleine Schiffahrtsgesellschaft MBH & Co. KG and its interests as they may appear ("M/S MADELEINE"). M/S MADELEINE hereby demands arbitration under the referenced Charter of its claim against Trinity Shipping Lines S.A. ("Trinity Shipping") arising from the claim being pursued by cargo interests based on the discharge of allegedly damaged cargo at Callao, Peru in November, 2004.

The cargo claim is presently being pursued against M/S MADELEINE in the Peruvian court system. Until recently Trinity Shipping was a party to that litigation. Cargo interests allege damage as best as can be determined at present of \$324,791.33 to cargo shipped under bill of lading INOC1070001435. M/S MADELEINE claims herein against Trinity Shipping for any amounts it may be found liable to pay arising from the cargo claim, including interest, attorneys fees and cost. M/S MADELEINE has appointed as its arbitrator Lucienne Bulow, 290 West End Avenue New York, New York 10023 (lucienne.bulow@verizon.net) pursuant to the referenced Charter.

Sincerely,

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC

By


Todd P. Kenyon

TPK/ch

EXHIBIT B

SOCIETY OF MARITIME ARBITRATORS, INC.
30 Broad Street - 7th Floor • New York, NY 10004

2011-2012
ROSTER OF MEMBERS

MEMBERSHIP ACRONYMS MEMBER ROSTER

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James J. Warfield

Gerard T. Desmond
Michael J. Hand
Bengt E. Nergaard
Soren Wolmar

ADMINISTRATIVE SECRETARY

Sally C. Sielski

30 Broad Street - 7th Floor - New York, NY 10004
(212) 344-2400 - FAX (212) 344-2402

Web site: <http://www.smany.org> - E-mail: info@smany.org

MEMBERSHIP ACRONYMS MEMBER ROSTER

PAST PRESIDENTS

1963-1965	John M. Reynolds*
1965-1967	Eric A. Skoglund*
1967-1969	John P. Besman*
1969-1971	Ferdinand E. Sauer*
1971-1974	Michael A. van Gelder
1974-1975	Donald E. Zubrod*
1975-1979	Jack Berg
1979-1982	Michael A. van Gelder
1982-1985	Donald E. Zubrod*
1985-1986	Charles F. Nisi*
1986-1988	Alexis Nichols
1988-1993	Manfred W. Arnold
1993-1995	Henry E. Engelbrecht*
1995-1997	A. J. Siciliano
1997-2001	Lucienne C. Bulow
2001-2005	David W. Martowski
2005-2009	Klaus C.J. Mordhorst
2009-	Austin L. Dooley

*Deceased

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ARNOLD, Manfred W.

Born 1938. Member of the SMA since 1971 and Past President, 1988-1993. President of Westmarine, Inc., a management and consulting firm. Previously President of Ranger Shipping, Inc. From 1979-1982 with Greenwich Marine, Inc., a wholly-owned subsidiary of Cargill Inc. From 1973-1979 with National Bank of North America/National Westminster Bank as Vice President in charge of Ship Finance. From 1960-1973 with Fritzen Schiffsagentur und Bereederungs GmbH and affiliates in Germany, Japan and New York. Trained Mediator. Member: MLA (NL), HKIAC, LMAA (S), SIAC/SCMA, German Maritime Arbitration Association (GMAA), the Commercial Arbitration Court and Mauritius Chamber of Commerce.

Mailing Address: 840 Shackamaxon Drive, Westfield, NJ 07090
Telephone: (908) 232-6155
Fax: (908) 232-6886
Home Telephone: (908) 233-7691
E-mail: arnoldwestmarine@comcast.net

BERG, Jack

Born 1927. Member of SMA since 1967 and past president 1975-1979. Formerly Vice President, Continental Grain Company for 31 years and retired 1986. Presently serves as full time arbitrator. Graduate of U. S. Merchant Marine Academy, 1949, and New York University School of Law, 1958. Sailed as deck officer, American Export Lines and as line officer, USN (MSTS) Transports. Experienced all forms of charter party disputes.

Mailing Address: Transammonia Inc. 320 Park Avenue, New York, NY 10022
Telephone: (212) 223-3200
Fax: (212) 759-1410
Home Telephone: (914) 946-2722
E-mail: jackberg@msn.com

BEYS, Petros M.

Born 1937. President, Eastern Technical Enterprises, Inc., formerly Vice President Operations. Alpro Maritime Agencies, prior to that Superintendent, United Operators (N.J. Goulandris), and before that research engineer, Ship Division, Davidson Laboratories. Holds M.E. and M.S. degrees from Stevens Institute of Technology. Experienced in new buildings, repairs, insurance, chartering and operations.
Member: AAA, ABS (SC), ASME, SNAME

Mailing Address: 48 Laural Lane, Hop Bottom, PA 18824
Telephone: (570) 289-4568
Fax: (570) 289-4942

BLAKE, George C.

Born 1932. Consultant. Formerly Executive Vice President, Maritime Overseas Corporation with overall responsibility for all aspects of operation of a fleet of tankers and bulk carriers.

Responsibilities also included all aspects of new construction and involvement in charter party negotiations and dispute resolution. B.Sc. (Engineering), University of Glasgow, U.K.; D.O.T. Chief Engineer's License.
Member: ABS, IME, Lloyd's Register

Mailing Address: 114 Agnes Place, Bound Brook, NJ 08805
Telephone: (732) 469-3746
Fax: (732) 469-5322
E-mail: gblakebb@gmail.com

BOWDERY, Allan G.

Born 1944. Formerly employed as AVP of a US subsidiary of the Tokio Marine and Fire Ins. Co, Ewig International Marine Corp, as GM and VP, and Hill, Rivkins, as associate attorney. Primary experience handling marine cargo claims and other marine charter party disputes. Member of the MLA ad-hoc committee charged with redrafting COGSA. Graduate Columbia and NY Law School.
Member: MLA

Mailing Address: 33 Mountain Rest Road, New Paltz, NY, 12561
Telephone: (845) 255-6690 (Voice & Fax)
E-mail: aqb38@columbia.edu

BRADSHAW, Thomas J.

Born 1939, Member, SMA since 1976. Currently President of Bradshaw & Associates, Inc. an insurance brokerage and consultant firm specializing in transportation insurance solutions. Prior employment as President and CEO of Thomas Miller (Americas) Inc. involved in all aspects of P&I, and intermodal transportation insurance. Extensive experience in all phases of marine disputes.

Mailing Address: 120 East Main Street #325, Ramsey, NJ 07446
Telephone: (201) 236-2377
Fax: (201) 236-4855
Cell: (201) 819-6247
E-mail: tjb@bradshawassoc.com

BULOW, Lucienne Carasso

Born 1946. Member of the SMA since 1980 and Past President, 1997-2001. President, Interactive Maritime Services, a claims consulting firm. Commissioner of Pilots - State of New York since 2000. From 1973-1981, Manager of Maritime Claims, Bunge Corporation/International Produce Inc. From 1981-2001, Vice President in charge of Maritime and Commodities Arbitrations, Continental Grain Company/Stellar Chartering & Brokerage, Inc. Previously associated with United Sea Transport, a ship agency/chartering/brokerage firm. Experienced in all types of marine claims, charter party, contract and trading disputes in dry bulk, liquids and gas, reefers, tugs and barges, vessel performance, time charter and post-loading voyage operations, laytime, sales and purchases of commodities and vessels, oil and gas exploration, terminal operations and shipbuilding. Wide experience with English arbitration practices and law. Ph.D. Yale University, fluent in French, Italian, Spanish, some Arabic. Trained mediator.

Member: AAA (C&G), ICDR, ICC Panel, NAEGA, BTNY (Coffee, Sugar and Cocoa Exchange Panel), CMA, MLA (NL), LMAA (S), SIA, AMAC, VMAA

Mailing Address: 290 West End Avenue, New York, NY 10023-8106
Telephone: (212) 580-5016
Fax: (212) 580-5017
E-mail: lucienne.bulow@verizon.net

BUSCH, Stephen H.

Born 1940. Member of the SMA since 1974 and Secretary 1995-97. President, Scan-American Shipping & Trading Corp. 1982-2009, now consultant and arbitrator. Formerly Johnson Maritime Services, Inc., Transamerican Steamship Corp. and Stolt-Nielsen, Inc. Career chartering, operations and management experience in general, bulk and project cargoes, including heavy lift and military cargo, as well as oil and liquid chemical cargo transportation. Graduate S.U.N.Y Maritime College with eight years sea service. Unlimited Master's license. Experienced in arbitrating all forms of maritime contract disputes, including salvage. Available for hearings in NYC.

Member: AAA (M), CMA, MLA (NL)

Mailing Address: 36 Texas Road, South Bristol, ME 04568
Telephone: (207) 644-1835
Fax: (207) 644-1836
E-mail: shbusch@tidewater.net

CARROLL, Ronald T.

Professor - Massachusetts Maritime Academy. Graduate of the Massachusetts Maritime Academy (B.S.) and Tulane Law School (J.D. and LL.M in Admiralty). Sailed as engineering officer on tankers and dry cargo. Licensed first assistant engineer and radar observer, oceans. Experienced maritime arbitrator familiar with all forms of charter parties. Honorary Consul General of Panama for Massachusetts.
Member: MLA

Mailing Address: Massachusetts Maritime Academy, 101 Academy Drive, Buzzards Bay, MA 02532
Telephone: (508) 830-5000
Home Telephone: (508) 888-7311
Fax: (508) 830-5090
E-mail: rtc2300@the-spa.com

COUTSODONTIS, Stylianos L. (Steve)

Born 1925. Formerly Executive Vice President, Park Lane Energy Corp. Formerly Partner and Vice President, Seamaster Shipping, Inc. and formerly with Trans-Ocean Steamship Agency. Master Mariner. Eighteen years sea service and Ship Master. Extensive experience in operations, chartering and management and sale and purchase of dry cargo and tank vessels.

Mailing Address: 9 Northway, Bronxville, NY 10708
Telephone: (914) 337-8230
Fax: (914) 395-1375

CUNEO, Joseph J.

Born 1935. Principal of Marinex International Inc., a commercial marine consulting firm. Over 30 years of experience in the design, construction, financing, operation and chartering of all types of dry and liquid bulk carriers, including LPG, LNG and chemical carriers. Experienced in all phases of negotiation and supervision of shipbuilding and repairing activities in foreign and domestic shipyards, as well as long term chartering and financing of major vessel acquisition programs. 20 years as CEO of major naval architecture and shipowning and operating organizations. Received MBA at Harvard Business School after graduating from Webb Institute of Naval Architecture with BS.

Mailing Address: 213 Clinton Avenue, Dobbs Ferry, NY 10522
Telephone: (914) 674-9080
Fax: (914) 674-9082
E-mail: jjc@GenesysAssociates.com

CUSHING, Charles R., PhD, P.E.

Naval Architect, Marine Engineer, Graduate of U.S.M.M.A. (Kings Point), M.I.T., SUNY (Maritime), M.S. and Cardiff (U. Wales) PhD. Expertise in ship design, construction and operation; cargo and materials handling; port and terminal operation; bulk carriers, tankers, tugs/barges, passenger ships, ro/ro and all phases of containerization. President, C.R. Cushing and Co. since 1968, formerly Chief Nav. Arch. for Sea Land. Licensed professional engineer (U.S.), chartered engineer (U.K.).
Member: SNAME (Life Fellow), Royal Inst. Nav. Arch. (Fellow), IMEST (Fellow), ASME (Fellow), ASNE (Naval, Life), etc.

Mailing Address: C.R. Cushing & Co., Inc., 30 Vesey Street, New York, NY 10007
Telephone: (212) 964-1180
Fax: (212) 285-1334
E-mail: ccushing@crcco.com

DESMOND, Gerard T.

Born 1947. Retired Freight Trader, Louis Dreyfus Corp. Formerly Chartering Manager, Garnac Grain Co., Managing Director Sealand Bulk Transport, President, Columbus Chartering Inc.,

Van Ommeren Shipping USA Inc., Vice President HMI Chartering Inc., Operations Manager, Greenwich Marine Inc., a subsidiary of Cargill, Inc. Thoroughly familiar with all phases of vessel operations, time charter and voyage chartering of dry cargo and container ships. Have been employed in all aspects of dry cargo operations/chartering as Owner, Charterer and Operator. Fully familiar with liner terms, booking of containers and dry bulk commodities. Founding member of the Connecticut Maritime Association where served as Vice President, Secretary, Membership Chairman and Softball Commissioner. Member of ASBA and serve on their documentary committee. Former member SACIA

Mailing Address: 545 Robin Lane, Jupiter, FL 33458
Telephone: (203) 838-3512
Cell: (203) 952-1327
Email: gdd917@aol.com
Instant Messenger (MSN): desmondg@hotmail.com

DEVINE, John J. Jr.

Born: 1942. Captain USNR-R. Formerly, Vice President Claims for Thomas Miller (Americas) Inc, Managers of the UK P&I and Defence Clubs, and a former partner at Poles, Tublin. Experienced in all types of marine claims/charter party disputes. Graduate of USMMA (BS) and St. John's University Law School (LLM).
Member: NI, MLA, CMA, MAPONY

Mailing Address: 29 Hagerty Lane, Cranbury, NJ 08512
Telephone: (609) 655-5628
Cell: (609) 464-4552
E-mail: jskppr@verizon.net

DOOLEY, Austin L.

Born 1946. Graduate of NY Maritime College (B.S.) & NYU School of Engineering and Science (M.S.&Ph.D.). Sea service as deck officer aboard U.S. flag tankers and dry cargo vessels. USCG license Chief Mate Unlimited tonnage, any ocean. Extensive experience in analyzing time and voyage chartered vessel disputes including speed and consumption claim analysis, voyage deviations, cargo damage, port and at sea weather conditions, and navigational problems.
Captain, USNR - Retired.

Mailing Address: Austin L. Dooley, Ph.D., Dooley Seawater Analysis, Inc., P.O. Box 63, City Island, NY 10464
Telephone: (718) 885-0962
Fax: (718) 885-0964
Home Telephone: (718) 885-0547
E-mail: dseawx@ix.netcom.com

FABRIKANT, Charles

Born 1944. President, Fabrikant International Corp. and affiliates involved in marine investments. Chairman SCF Corporation, owner and operator of inland marine equipment, and SEACOR Holdings, Inc. and National Response Corporation, owner of offshore supply vessels and provider of environmental contracting services, and globe wireless, "e-mail" communications for vessels. Areas of familiarity: ocean shipping, inland transportation, offshore operations, chartering operations, cash management, admiralty disputes, insurance, corporate legal affairs, maritime communications, OPA-GO. Graduated Harvard University, 1965 and Columbia Law School, 1968.

Mailing Address: 12th Floor, 460 Park Avenue, New York, NY 10022
Telephone: (212) 307-6633
Fax: (212) 582-8522

FACKLER, D. Michael

Born 1944. Since 1999, owner of European Maritime Company, a ship brokerage specializing in sale and purchase and newbuilding projects. From 1991-1999, projects broker/ head of S&P at Mallory Jones Lynch Flynn, Stamford, CT. Previously commercial/legal advisor to fast-growing shipowning company in 1980's with responsibilities for negotiating all ship sale contracts and loan agreements. Experienced in all aspects of ship sales and in tanker timecharters. Over 30 years experience in international shipping, including dry cargo chartering and tanker operations. J.D., University of Miami, 1978.
Member: MLA, CMA

Mailing Address: European Maritime Company, LLC, 32nd floor, 437 Madison Avenue, New

York, NY 10022
Telephone: (212) 750-0383
Home Telephone: (914) 328-0066
E-mail: mfackler@emcilt.com

FLYNN, Robert John

Born 1952. President, MJLF & Associates, Inc., ship brokers for chartering, ship sales, new building construction, project development and consulting. Joined the firm in 1979 shortly after its inception. Specialist in all forms of oil tanker employment, acquisition and project management. Graduate of the U.S. Coast Guard Academy, class of 1974. Five years commissioned service in the U.S. Coast Guard.
Member: ABS, CMA, Coast Guard Foundation (Vice Chairman)

Mailing address: c/o MJLF & Assoc. Inc., 300 First Stamford Place, Stamford, CT 06902
Telephone: (203) 326-2830
Cell: (203) 550-1955
E-mail: bob@mjlif.com

FOX, Thomas F.

Born 1940. Maritime Consultant. President, Southold Maritime Services Corp. Previously associated with Sea Tow Services International, Inc. Formerly Chartering Manager at Philipp Brothers, Inc. and previously associated with M. Golodetz & Co., Inc. and Alcoa Steamship Co., Inc. Experienced in all phases of dry cargo voyage chartering, time chartering and operations as well as sale and purchase. Extensive sea service aboard tankers and dry cargo vessels and holder of valid unlimited Masters license. IGS/COW certification and Deepwater Horizon oil spill incident clean up contractor consulting experience. Familiar with small vessel salvage. Graduate of S.U.N.Y. Maritime College (B.S., Marine Transportation) and C.U.N.Y. Baruch College (M.B.A., International Business). Commander, U.S.N.R. (Retired).
Member: CAMM, CMA, NYMS

Mailing Address: Southold Maritime Services Corp., 975 Bay Haven Lane, Southold, NY 11971
Telephone: (631) 765-0099
Fax: (631) 765-5838
E-mail: tomfoxsmc@optonline.net
Home Telephone: (631) 765-3441

FROST, Donald B.

Born 1940. President, D.B. Frost & Associates, Marine Transportation Planners and Consultants. Previously with MID Ship Marine, MAP Logistics and Skaarup Shipping Group - VP and Chartering Manager for the Shipping Company and prior to that as VP of the Chartering Company. Earlier held chartering and logistics planning functions with Total Transportation Inc., International Minerals and Chemical's Overseas Marine Services subsidiary, AMAX's AMETCO Shipping, and Naess Shipping Company (later became P&O Bulk Shipping). BA Marine Transportation State University of New York Maritime College, MBA International Business City University of New York. Sailed as licensed deck officer (Second Mate), Naval Reserve Officer - 11 years with Military Sealift Command and its predecessor MSTs. Founding member and President (1988-92 and 2000-2004) Connecticut Maritime Association. Experienced in charter party and operational disputes involving wet and dry cargo. Specializes in "forensic chartering" issues where historic freight market movements are essential elements of a dispute.
Member: Society of Naval Architects and Marine Engineers (Publishing and Maritime Economics panels), Connecticut Maritime Association (Editor of their Newsletter), Connecticut Maritime Coalition, National Association of Maritime Organizations. Advisor to Global Business and Transportation School at SUNY Maritime College and associated with Columbia University's Center for Energy, Marine Transportation and Public Policy.

Mailing Address: 220 Deep Wood Road, Fairfield, CT 06824
Telephone: (203) 259-6509 or: (203) 406-0106 ext 3718
Fax: (203) 256-0911
E-mail: dbfrost@optonline.net

GEORGES, Jerry

Born 1924. Presently Maritime Consultant and Arbitrator. In January 1998, retired after 43 years of service with National Shipping & Trading Corp. as Secretary, Treasurer and manager of the Insurance and Claims Department. Wide experience and responsibilities of handling all types of claims, Charter Parties and other contractual disputes including ship sales/purchases, Financial Administration with legal and corporate responsibilities related to ship operating business.

Experience in public and cost accounting with active service at sea.
Member: AAA(M), AsAvAd, NASD, NYSE

Mailing Address: 4519 Brennan Place, Island Park, NY 11558
Telephone: (516) 431-1183
Fax: (516) 432-5324

GOLDBERG, Victor

Born 1951. VP Ship Management, Crowley Petroleum Services. Past VP Operations, ARCO Marine Inc. Past VP Chartering/Operations ATTRANSO Ship Management. Senior management positions in fleet management, port operations, labor relations. Expert experience in the carriage of Clean Petroleum Products (CPP), Dirty Petroleum Products (DPP), Crude Oil, Grain, Charter Party administration, including Time Charter, Voyage Charter, COA's, Bareboat. Graduate of U.S. Merchant Marine Academy. Master, any Ocean, any Tonnage (Active License). Captain, USNR-R.
Member: BMS, CAMM, NI, NYMS

Mailing Address: 2 Laurel Oak Road, Amelia Island, FL 32034
Telephone: (904) 310-6216
E-mail: kp73@aol.com

GREENLEES, J.N. (Jamie)

Senior chartering negotiator and operations advisor with a major, international energy company. Experience in ship chartering, operations and claims settlement, as well as, commercial negotiations for cargo trading, supply operations (supply chain management and logistics), contracts for feedstock processing, floating storage, terminalling and facilities construction projects and plant repairs at various US and overseas locations. Member of shipbuilding/repair bid review and claims defense teams. Operations engineer/instructor/ EOOW at a US Navy nuclear submarine propulsion prototype.
Captain USNR (Ret.), Engineering Duty Officer. Supervised ship design, building, conversion, repair and acquisition, including "Commercial-Off-The-Shelf" procurement, and supervision of contracting and claim settlement.
Graduate of Webb Institute of Naval Architecture (BS) and Wharton Graduate School of U of Pennsylvania (MBA).
Registered Professional Engineer (New York)
Adjunct Professor SUNY Maritime College Graduate Program
Member: SNAME and ASNE

Mailing Address: 42 Tarn Drive, Morris Plains, NJ 07950
Telephone: (703)-846-4965 or (703)-346-6640
Fax: (703)-846-2367
Home Telephone: (973) 984-1045
E-mail: james.n.greenlees@exxonmobil.com or jngreenlees@yahoo.com

HALPIN, Harold J.

Chairman, President, CEO of Lamorte Burns & Co. Inc. which is correspondent for 14 P & I Clubs worldwide. 30 years of experience in all types of maritime cases and charter party disputes. Marine Insurance & Claims Association, Re-insurance Intermediary License, Notary Public.
Member: AAA (M), AsAvAd, MLA (NL)

Mailing Address: Lamorte Burns & Co., Inc., 64 Danbury Road, Wilton, CT 06897
Telephone: (203) 761-6000
Fax: (203) 761-6007 Telex: 3722061
Home Telephone: (203) 226-0215
E-mail: hjhalpin@lamorte.com

HAND, Michael J.

Born 1949. Laytime and demurrage analyst specializing in chemicals, gas and clean petroleum products. Over 38 year's extensive experience in chartering, operations and management of dry cargo and tank vessels. Previously associated with dry cargo brokerage firms and dry cargo and tank vessel Owners. Thoroughly familiar with all aspects of vessel operations, voyage and time chartering of liquid and dry cargo vessels.
Member ASBA, CMA

Mailing Address: 180 N. Virginia Ave., N. Massapequa, NY 11758

Telephone / Fax: (516) 249 9622
E-mail: mjhny@aol.com

HANSEN, Svend H., Jr.

Born 1934. Director, Hagedorn & Company, insurance brokers. Over 25 years experience in all aspects of liner and tramp agency, chartering and stevedoring. Formerly CEO of Hansen & Tidemann, Inc. and President of Evergreen America, Inc. Apprenticed in Copenhagen and Antwerp, worked in Mexico as shipbroker and agent, fluent in Spanish. Education: Princeton University, Harvard Business School, College of Insurance. Served as President, Association of Shipbrokers and Agents (USA), and Chairman, Liner Committee FONASBA (London). Trained Mediator.

Member: ASBA, MLA (NL)

Mailing Address: 5009 Theall Road, Rye, NY 10580
Telephone: (212) 763-3423
Fax: (212) 363-3980
Home Telephone: (914) 967-6477
Cell: (646) 641-9633
E-mail: svend.hansen@hagedorn.com

HARRIS, Jonathan P.

Born 1950. Presently self employed as a consultant to the international shipping and commodities trade. Experience since 1973 in contract and charter negotiations for the international and domestic purchase, sale, and shipment of liquid and dry raw materials with Philipp Brothers, Marc Rich, Foreign Ore, and Centrotech Minerals & Metals, and most recently, Global Operations Manager - ASM GmbH (Aluminum Silicon Marketing, Zug, Switzerland). Ocean transportation experience as both an owner and charterer. BS & MBA. Conversant Spanish.

Mailing Address: P.O. Box 61, Hunter, NY 12442
Telephone: (518) 263-3850
Fax: (518) 263-3780
E-mail: jphglobal@gmail.com

HARTMANN, Peter W.

Born 1935. Director, Corporate Secretary, Mediterranean Shipping Company (USA) Inc. For more than 30 years active in chartering and Liner agency. Has experience in Liner traffic, claims, accounting, documentation. Apprenticeship in Philadelphia, London and Oslo.

Mailing Address: Mediterranean Shipping Company (USA) Inc., 420 Fifth Avenue, New York, NY 10018
Telephone: (212) 764-4800
Fax: (212) 764-8592
Home Telephone: (914) 337-8897

HAWKINS, Nigel J.

Born 1946. Vice President, N. W. Johnsen & Co., Inc. From 1990-2000, President, "K" Line International (USA) Inc., a drycargo and tanker chartering firm. From 1977-1990, Vice President, Trigon Chartering, Inc. From 1965-1977 with Howard Houlder & Partners Ltd., of London but stationed in New York and Tokyo from 1970. Experienced in drycargo contracts of affreightment, timecharter and operations.

Mailing Address: c/o N. W. Johnsen & Co., Inc., One Whitehall Street, New York, NY 10004
Telephone: (212) 248-0700
Fax: (212) 809-9036
E-mail: hawkins@intship.com
Home Telephone: (718) 855-8401

HEDGER, Paul L.

Born 1948. Thirty-five years of experience (including seven years seagoing) in international shipping. Well versed in operations, chartering, contract negotiations, sale and purchase, freight forward agreements, marine insurance, ship management and claims handling. Experienced in dry bulk, oil, and container shipping. B.Sc. Nautical Studies, Liverpool.

Mailing Address: 2955 N. Tomahawk Trail, Tucson, AZ 85749
Home Telephone: (520) 760-4200
Fax: (520) 760-5042
Mobile Telephone: (520) 245-8527
E-mail: paulhedger@msn.com

HOOD, James N.

Born 1935. Maritime arbitrator and mediator. Formerly Chief Executive Officer of Teekay Shipping Corporation. Twenty years seagoing experience including five years in command. Twenty-eight years in various shore-based fleet management positions. Extensive experience in all aspects of the commercial management of tankers and bulk carriers. Extra Masters Certificate of Competency, ICS (F), NI (F), CI Arb.(M) Certified mediator (CEDR).

Mailing Address: 285 Highland Avenue, Norwalk, Connecticut 06854-4017
Telephone: (203) 831 9756
Fax: (203) 831 9757
E-mail: james.hood@usa.net

KIMBALL, Philip B.

Born 1940. Executive Director, Society of Naval Architects and Marine Engineers. Experience in ship design, ship construction, construction supervision, survey and operations; cargo handling, stowage and securing; intermodal container operations and transport; marine terminal design and operations; forensic engineering. Degrees of M.E. and M.S. in Mechanical and Ocean Engineering, Stevens Institute of Technology.
Member: ASME, ASNE, ICHCA, IMAREST (F), RINA (F), MTS, SNAME (F)

Mailing Address: Society of Naval Architects and Marine Engineers, 601 Pavonia Avenue, 4th floor, Jersey City, NJ 07306
Telephone: (201) 499-5054
Fax: (201) 798-7342
Cell: (201) 310-2607
E-mail: pbk@sname.org

MANNION, Gerald M.

Extensive background and experience in negotiating charters and in operations for crude oil, refined products, lube oils and chemical products. Controlled a foreign flag time chartered fleet for internal requirements as well as out charters to third parties and a company owned fleet of American flag tankers and barges for internal and external charters. Responsible for negotiation and settlement of all marine claims and charter party disputes, including demurrage, detention, cargo loss, cargo contamination and time charter performance. Past positions include Operations Manager and Chartering Manager of the Marine Department of Sunoco, Inc. and Technical Advisor to Intertek, and independent cargo inspection company.

Mailing Address: 144 Charles Drive, Havertown, PA 19083-1699
Telephone: (215) 776-5265
E-mail: mannion1@comcast.net

MARTOWSKI, David W.

Born 1939. Member of the SMA since 1984 and Past President 2001-2005. Formerly Chairman, Thomas Miller (Americas) Inc., retired in 2004 after 25 years with Miller's.; graduated Boston College (B.S.) Fordham (J.D.) and New York University (LL.M. Int'l Law); formerly partner, Kirlin, Campbell & Keating; experienced all marine claims and charter party disputes; familiar with offshore oil/gas operations; Co-author "Voyage Charters" (Lloyds of London Press - 3rd ed. 2007). Mediator certification at Harvard and Pepperdine Law Schools.
Member: CMA, LMAA (S), MLA

Mailing Address: 91 Central Park West, New York, NY 10023
Telephone: (212) 579 6224/(212) 873 7875
Fax: (212) 579 6277
E-mail: dmartowski@verizon.net

MEASTER, Charles L.

Born 1942. President, MAP Logistics, Inc. since 1976. Extensive experience in all aspects of dry

and tanker transportation, vessel operations, finance and sale and purchase. Graduate of St. Francis College, BA., Columbia University, MA, and St. Johns University School of Law.
Member: AAA, ASBA, American Bar Association (ARD Section), Association for Conflict Resolution, Better Business Bureau Arbitrator/Mediator, Dispute Settlement Center - Board Member/Mediator, HKIAC, SIAC, Institute for Transnational Arbitration, International Chamber of Commerce Arbitration Panel, NASD(A), NYSA(A), SNAME, New York Coffee, Sugar and Cocoa Exchange Arbitration Panel. Certified Mediator.

Mailing Address: 2430 Bent Twig, Seabrook Island, SC 29455
Telephone: (203) 966-0833
Fax: (203) 972-6736
E-mail: cmeaster@comcast.net
Home Telephone: (843) 768-2520

MEEHAN, Robert C.

Born 1955. Tanker broker & partner at Eastport Maritime (2002-), specializing in the chartering of parcel chemicals, blendstock commodities, lube oil, contracts of affreightment and time charters. Formerly, founder of Olechem Chartering (1990-2002), specializing in the chartering of olefin gas, LPG & chemicals. In addition, extensive experience gained from prior employment at Seabrokers (1985-1990) & A. Johnson & Co. (1978-1985) in agency/operations, dry cargo, crude & product tanker chartering. Graduate of St Johns Univ. (CBA '77); post-graduate studies at SUNY Ft. Schuyler Graduate program, World Trade Institute and CLE Institute.

Mailing Address: 141 DeMott Avenue, Rockville Centre, NY 11570.
Telephone: (516) 678-3384
Fax: (516) 678-0396
E-mail: olechem@aol.com

MORDHORST, Klaus C.J.

Born 1939. Member of the SMA since 1974 and Past President 2005-2009. President and principal owner of Leffler Chartering, Inc., a ship-brokerage, agency and consulting firm in Kinnelon, NJ. Formerly with Transamerican Steamship Co., Wrightson Shipping Co. and Birmingham Bell Corp. Worked as shipbroker in Germany 1958/62, England 1962/64 and Japan 1964/67 prior to settling in New York, USA in 1967. Experienced in chartering, operations and charter party disputes.

Member: MLA(NL), GMAA, LMAA(S), CMA, ASBA, NYMAR

Mailing Address: Leffler Chartering Inc., 47 Cherry Tree Lane, Kinnelon, NJ 07405
Telephone: (973) 492-9472
Fax: (973) 492-1456
Home Phone: (973) 838-3017
E-mail: klausm@lefflerchartering.com

MUFF, Walter R.

Born 1936. Maritime/Commercial Arbitrator and Consultant. Retired 12/31/99 as Vice President and Secretary from Garnac Grain Co., Inc. and Norfoods, Inc. Employed in the grain export business for over 41 years. Duties included the handling of arbitration, disputes and claims arising from commodity transactions and from chartering of vessels; corporate risk management.
Member: AAA (G), MLA (NL)

Mailing Address: 6505 West 92nd Street, Overland Park, KS 66212-1374
Telephone: (913) 381-3470
E-mail: WalterMuff@aol.com

NERGAARD, Bengt E.

Born 1954. JD from the University of Oslo/Scandinavian Institute for Maritime Law (1979). Author of textbook on yacht law and frequently used as lecturer on marine insurance and maritime law issues. Intimate knowledge of charter party disputes. Experienced in all types of P&I, and H&M claims. Arbitrator since 1995. Certified mediator.

Mailing Address: 507 Westover Rd. Stamford, Ct 06902
Telephone: ((203) 984 6164
Fax: (203) 325 1378
E-mail: nergaard@optonline.net

NICHOLS, Alexis

Born 1933. Past President, Marine Management Services MC, ship managers of a fleet of tankers and dry cargo vessels (1970-1999). Past President, Society of Maritime Arbitrators. Over 40 years experience in chartering, ship operations, S & P and claims. Holds degrees from Athens College and Edinburgh University. Trained Mediator.
Member: AAA, ABS, MLA (NL)

Mailing Address: 25 Hutchinson Avenue, Scarsdale, NY 10583
Telephone: (914) 725-1007
Fax: (914) 725-1127
E-mail: AlexisNichols@aol.com

NORZ, Charles H.

Born 1937. President, Seacrest Associates, Inc. (Marine Consultants). Graduate U.S. Merchant Marine Academy, 1959. Sailed as Third Officer for Grace Lines. States Marine Lines bulk division - two years in operations department. Triton Shipping, Inc (C.M. Lemos interests) - eleven years as Chartering Manager. Amerada Hess Corporation, twenty-two years, retired as senior Vice President in charge of supply and transportation department involving all aspects of marine transportation and supply operations. Bulk shipping instructor for the continuing education department at the U.S. Merchant Marine Academy. Assistant Professor, Massachusetts Maritime Academy.
Member: ABS, SNAME

Mailing Address: Seacrest Associates, Inc., 2 Seacrest Road, Old Saybrook, CT 16475
Telephone: (860) 388-2463
Fax: (860) 395-4224
E-mail: chaskbeach@comcast.net

NOTIAS, Nicholas X.

Vice President of Independence Maritime Agency, Inc., a shipping agency and brokerage firm. Extensive experience in the day to day commercial operations of dry-bulk carriers (handymax / panamax carriers), time/voyage charters, charter party disputes, laytime issues, ship S&P, insurance placement (H&M, P&I, War Risk), claims experience in cargo, P/A & G/A, technical experience in ship repairs and repair contracts, paint coatings and dry-dockings. Yachting industry experience for motor yachts including brokerage, construction and transport. Graduate Fordham University MBA '90, BA '88.
Member: ABS, Lloyds' Register American Committee

Mailing Address: Nicholas X. Notias, c/o Independence Maritime Agency, Inc., 39 Broadway - Suite 2140, New York, NY 10006
Telephone: (212) 425-8608
Fax: (212) 509-8681
E-mail: INDMARAGE@AOL.COM OR MAIL@INDEMARITIME.COM

NOTTINGHAM, Milton G., Jr.

Chairman, Pacific Cargoes, Inc. U.S. Merchant Marine Academy alumnus. Served at sea in grades from seaman to Master. Over 30 years experience in various facets of marine transportation, including vessel operations, port operations, and chartering. Chartering broker for the ocean transportation of bulk commodities. Marine Consultant.
Member: AAA, NYSE (A)

Mailing Address: 1629 "K" Street NW, Suite 700, Washington, DC 20006
Telephone: (202) 785-3400
Fax: (202) 296-1160
Home Telephone: (202) 244-1244
E-mail: dcapt@aol.com

PAPPAS, Katherine A.

Assistant to the President, Southern Star Shipping Company, Inc. Formerly with Canadian American Transport, Inc., in vessel operations, chartering and brokerage. Experienced in all types of maritime disputes under contracts of affreightment, voyage and time charter parties, representing both owners and charterers. M.A. Columbia University; M.A. New York University.

Mailing Address: Southern Star Shipping Company, Inc., 712 Fifth Avenue, New York, NY

10019-4102
Telephone: (212) 554-0100 (Direct 554-0167)
Fax: (212) 957-1366
Home Telephone/Fax: (212) 666-3664
E-mail: kpappas823@gmail.com

PENDER, Thomas P.

Born 1925. Maritime Consultant and Arbitrator. Formerly Vice President, Marine Insurance and Administration, Associated Metals and Minerals Corp. Graduate University of Miami (FL) and St. John's University Law School. Experience in all forms of Charter party disputes, Marine casualties, Cargo losses.
Member: AAA (M), MLA, NASD, NYSE (A)

Mailing Address: 7800 Shorefront Parkway, Apt. 9K, Rockaway Beach, NY 11693
Telephone: (718) 945-5915
E-mail: Thomas.Pender@gmail.com

POE, Eddie J.

Born 1941. F.F.A. Broker, Pasternak, Baum & Co., Inc. Formerly: President, Liberty Chartering Inc., Vice President, Norton Lilly International Inc. President, Cast Ship Chartering Inc.; Vice President, Navios Corporation; Vice President and Chartering Manager of Greenwich Marine Inc. Sailed as a deck officer on U.S. flag vessels. Graduate of U.S. Merchant Marine Academy, and American Graduate School of International Management.

Mailing Address: P.O. Box 140456, Staten Island, NY 10314-0456
Telephone: (914) 630-8107
Fax: (914) 630-8120
Home Telephone: (718) 981-3599

QUINN, William H.

Born 1951, Graduate S.U.N.Y. Maritime College, Fort Schuyler B.S. Marine Transportation, 1973. Sailed as third mate with Farrell Lines and Berwind Lines. Presently engaged in dry/wet cargo chartering services for Greenwich Shipping Services, Inc. in Island Park, NY. Previously associated with Commodity Specialists Company (Pillsbury), Philipp Brothers, Century Chartering, E.D. & F. Man, Marc Rich, Louis Dreyfus and Bunge Corporation. Extensive experience with all types of dry cargo, time/voyage charters, freight analysis and operations.

Mailing Address: Greenwich Shipping Services, Inc., PO Box 211, Island Park, NY 11558
Telephone: (516) 431-6800
E-mail: greenwich.shipping@verizon.net

RING, John F., Jr.

Born 1937. Member of SMA since 1970. President Century Shipping USA, Inc. Adjunct Professor at USMMA and Director of the Global Maritime and Transportation School (Post Graduate School). Formerly Chartering Manager of Bunge Grain Co. (Voyage and Timecharters), President/CEO of Mercantile Marine, Inc. (Owners & Operators) and Partner, McQuilling Tanker Brokers. Extensive experience in all aspects of dry cargo and tanker marine transportation including vessel operations, chartering, sale & purchase and ship finance. Graduate of U.S. Merchant Marine Academy and served at sea on U.S. Navy and Merchant vessels.
Member: AAA, ASBA, CMA, MLA(NL), NCB, NYMS, SNAME

Mailing Address: Century Shipping USA Inc. 550 Roslyn Road, East Williston, New York 11596-2013
Telephone: (516) 739-1260
Fax: (516) 739-1261
Home Telephone: (516) 742-5219 Cell Phone: (917) 856-6160
E-mail: centuryshipping@optonline.net

RUDOLPH, Richard E.

Born 1952. President, Seaside Navigation, USA, Inc., Graduate SUNY Maritime College and Licensed Deck Officer. Former Governor, Association of Ship Brokers and Agents (USA), Inc. 30 years experience as dry cargo broker and operator representing Owners, Timecharterers and Charterers.

Mailing Address: 855 Van Buren St., Baldwin, NY 11510
Telephone: (516) 623-0972
E-mail: rr@seaside-usa.com

SANTINI, Basil A.

Born 1940. Partner (Vice Chairman), MID-Ship Marine, Inc., specializing in all phases of Ocean Transportation Consulting, chartering, shipbrokerage, logistics and operations, maintaining offices in New York, Florida, Singapore and Brazil. Employed in maritime industry since 1958. Holds rank of Cdr. in U.S. Naval Reserve — Retired. Sailed as Deck Officer on U.S. flag carriers. Graduate U.S.M.M.A., 1962.

Mailing Address: 167 Roxbury Road, Garden City, NY 11530-1215
Home Telephone: (516) 741-7768
Country Telephone: (631) 734-6354
E-mail: bsantini@midship.com

SICILIANO, A.J.

Born 1941. Past President SMA 1995-1997. President, Sentry Marine Services Inc. (shipbrokers and consultants). Formerly, President of Atlas Navigation Corp. and Vice President American Bulk Carriers Inc. and Good Hope Shipping & Trading Corp. Experienced in dry cargo, tanker and containership administration, chartering, operations, sale and purchase. Extensive background in hull, cargo, P & I and charterers' liability insurance and claims including general average and salvage.

Member: AAA (M), AsAvAd (S), CMA, MLA (NL)

Mailing Address: Sentry Marine Services, Inc., 9199 Chatham Circle, North Ridgeville, OH 44039
Telephone: (631) 360-3580
Fax: (631) 360-3560
Home Telephone: (440) 327-7313
E-mail: ajsmarine@aol.com

SONDHEIM, Herbert

Born 1927. Retired Vice President, Treasurer, Kersten Shipping Agency, Inc. Member of the SMA since 1975, graduate, Baruch School of Business Adm., B.B.A. in accountancy. Over 50 years experience in ship management, chartering, operations, agency and ship accounting. Active as representative for both charterers and owners. Also director of shipowning companies and officer of contract carrier firm; mainly dry cargo.

Member: AAA (M), NYSE (A)

Mailing Address: 75-20 170th Street, Flushing, NY 11366-1342
Telephone: (718) 969-2001
Fax: (718) 969-3672
E-mail: hsondheim@aol.com

SPAULDING, Jr., Robert J.

Born 1957. Shipbroker and partner, Quincannon Associates, Inc. specializing in the chartering of chemical, fertilizer, molasses, acid, gas and product tankers. Formerly: Stolt-Nielsen operations department involved in vessel operations and cargo handling of chemical and product tankers as well as regulatory issues; Texaco's U.S. Fleet operations and labor relations departments handling vessel scheduling, operations and crewing issues. Sailed as a deck officer on Texaco's crude, product and specialty tankers. A graduate of the U.S. Merchant Marine Academy in 1979.

Business Address: Quincannon Associates, Inc., One Rockefeller Plaza, Suite 220, New York, NY 10020
Telephone: (212) 246-0060
Fax: (212) 307-6088
Mailing Address: 4 West Wind Lane, Wilton, CT 06897-4552
Telephone: (203) 210-7344
Cell: (203) 856-1388
Email: KP79@aol.com

SPITZ, C. Eugene

Born 1927. Maritime Arbitrator. Retired Vice President, Insurance Claims and Safety Sea-Land (23 years). Previously Admiralty Attorney for Amoco (11 years). Sailed Deck Officer Tankers and Freighters. Graduate USMMA and University of Missouri School of Law. In- depth experience in a broad range of claims arising from vessel ownership/operations as both charterer and owner.

Mailing Address: 31 Leeds Lane, Greenbriar at Whittingham, Monroe Twp., NJ 08831
Telephone: (609) 395-8304
Fax: (609) 860-1746
E-mail: gspitz8275@aol.com

SZOSTAK, Donald J.

Born 1934. Maritime consultant. Since 1959, business activity involved ship chartering, operations, maintenance, construction, design, finance and insurance, specializing in wet and dry bulk vessels including OBO, LNG, LPG, ammonia and chemical carriers. Formerly President, Energy Transportation Corporation; President, Navios Corporation; Vice- President, Marine Transport Lines, Inc. BS from Webb Institute of Naval Architecture. Registered Professional Engineer, Commonwealth of PA. Available for hearings in NYC and elsewhere. Member: NASD (A), RINA, SMPE, SNAME

Mailing Address: 14 Meadowood Drive, Exeter, NH 03833
Telephone: (603) 773-2065 or (978) 218-6460
Fax: 1-603-388-9817
Cell: (603) 836-0945
E-mail: djszostak@gmail.com or djszostak@hotmail.com or djszostak@aol.com

TSAGARIS, Constantine (Dean)

Born 1961. President, Eagle Navigation Inc. Formerly Manager, Handymax Trading, Navios Corporation. Commercial and Insurance Manager Millenium Maritime Services Inc. Fully versed in all aspects of dry cargo sector particularly time and voyage chartering, operational and insurance matters. Versed in Forward Freight Agreements (FFAs). Masters Degree- S.U.N.Y. Maritime Bachelors Degree- Villanova University Member: Baltic Exchange AsAvAd Certified Trained Mediator

Mailing Address: 25 Mount Holly Road East, Katonah, NY 10536
Home Telephone: (914) 767-3741
Mobil Telephone: (914) 220-2248
E-mail: Eaglenav@hotmail.com or Eaglenav1@aol.com

TYD, Robert W.

Born 1923. Ship broker, arbitrator, consultant. Principal, Tydeship NY. Active in shipping since 1947. Dry cargo, tanker and reefer chartering. Fleet management and operations. Ship sales and purchase. B.S., Fordham University, 1951.

Mailing Address: Tydeship NY, P.O. Box 71, Bethpage, NY 11714-0071
Telephone: (516) 822-1139
Fax: (516) 822-1224
E-mail: tyd1@verizon.net
(AOH) (516) 433-8572

UMBDENSTOCK, Robert P.

Born 1945. Marine Casualty Specialist. Shipowners Casualty Representative (SCR) at Lloyd's (SCOPIC). Thirty years international experience managing operations and contracts in salvage, wreck removal and oil spill response operations for P&I Clubs, hull underwriters, owners, operators, salvage companies and maritime attorneys. Formerly President of Donjon Environmental Marine Services LLC, Operations Manager for Marine Spill Response Corporation and Project Manager for Alex Rynecki, Inc. Ex-U.S. Navy Salvage & Diving Officer. Graduated Dartmouth College, 1967. Member: CMA, MLA (NL), SCR Panel, SNAME, Propeller Club

Mailing Address: Resolve Marine Group, 1850 SE 17th Street, Ste. 204, Fort Lauderdale, FL 33316
Telephone: (954) 764-8700
Fax: (954) 764-8724

Cell: (954) 609-2601
E-mail: bumbdenstock@resolvemarine.com

van GELDER, Michael A.

Born 1922. Maritime arbitrator and consultant. Chartering experience in New York, London and Paris. Active in shipping industry since 1946; dry cargo operations, chartering and brokerage, fleet management, grain elevator, and stevedoring contracts. Arbitrator since 1965. Specialized in charter party disputes of all types. Member SMA since 1964, President 1972-74, 1979-1982. Director, American Arbitration Assn. 1981-84.
Member: LMAA (S)

Mailing Address: 13914 Big Yankee Lane, Centreville, VA 20121-2675
Telephone: (703) 266-2791
Fax: (703) 266-8694
E-mail: gmmveegee@aol.com

VENTURAS, Evangelos

Born 1942. President, Venturas Ship Chartering Ltd., a ship and cargo brokerage company founded in 1979. 1972-1979 United Operators Shipping Agencies Corp. New York Office of NJ Goulandris Ltd., London. Responsible for worldwide chartering and operations of dry cargo vessels and tankers. 1970-1972 Greenwich Marine Incorporated. Responsibilities included worldwide grain chartering and operations. 1968-1970 Cargill Incorporated, grain merchandising position. Graduate School of Business Administration, New York University, M.B.A. Degree in 1968.

Mailing Address: Venturas Ship Chartering Ltd., 7 Wilgarth Road, Bronxville, NY 10708
Telephone: (212) 363-3450
Cell: (914) 473-8777
E-mail: venturas.chartering@verizon.net

WARFIELD, James J.

Born 1944. Member of the SMA since 1994. Vice President Wealth Management with Morgan Stanley. From 1991 to 1999 President of U.S. Titan, Inc. an oil shipping and trading company. Previously President, Burmpac Oil Company 1986-91. From 1973-86 with Burmah Oil Tankers Ltd. as Executive Vice President and President of Burmah Oil Transshipment Ltd. Emphasis of experience is the commercial, financial and operational aspects of oil tankers, oil terminals, and oil trading. B.S. Economics 1966 Juniata College, MBA 1975 New York Institute of Technology, Certified Financial Planner 2005

Mailing Address: 36 The Mews, Syosset, NY 11791
Office Telephone: (516) 932-4849
Office E-mail: james.warfield@mssb.com
Home Telephone: (516) 496-4013
Home E-mail: jwarf@optonline.net

WHEELER, Wesley D.

Born 1933 in ship and yacht building family where served apprenticeship in all departments. Designed most types of vessels as naval architect and marine engineer with leading firms and own firm of 20 employees. Port engineer and construction supervisor newbuildings, conversions and repairs. Operated USA and foreign vessels. Maritime forensic expert, surveyor, consultant in shipyard, ship+yacht design and shipyard representative for: ThyssenKrupp Marine Services' yards, Blohm+Voss Repair, Hamburg and Hellenic Shipyards, Greece; 2x1 Media, Romania; UNB, Barcelona; all China yards via Shanghai Leader Marine Co., Shanghai and Naftosol, Perama, Greece. Hold MSE (NA&ME) U Michigan, BSME-WPI, PhD (hon) Cambourne University Eur.Eng.
Member: AINE, IMarEST, CMA, RINA, SMPE, SNAME, MLA(NL)

Mailing Address: Wesley D. Wheeler, M.S.E., 95 Mill Spring Lane, Stamford, CT 06903-1635
Telephone: (203) 329-1680
Fax: (203) 968-2150
Mobile: (917) 855-2850
E-mail: shipyards@weswheeler.com
URL=www.weswheeler.com

WINER, Joseph H.

Maritime Consultant and Marine Surveyor. Sailed unlicensed and licensed on tanker and dry cargo vessels. Formerly Vice-President American President Lines, President Hudson Engineering Co. Licensed Chief Engineer steam and motor vessels. Degrees of Mechanical Engineer and Master of Science, Stevens Institute of Technology. Registered Professional Engineer, New York and New Jersey.
Member: ASME, ASTM, NSPE, SNAME

Mailing Address: 159 Kingsland Road, Boonton, NJ 07005

Telephone: (973) 334-9244

Fax: (973) 334-6915

E-mail: josephwiner159@hotmail.com

WISWELL, Peter S.

Born 1951. Manager, North American Marine Claims, Zurich NA. Formerly Manager, Response Operations, Water Quality Insurance Syndicate; President, Southport Associates, Inc., with primary responsibilities including management of vessel pollution incidents and mortgagor/mortgagee insurance consulting; President, TBS Adjusting, Inc., with general U.S. commercial correspondent status on behalf of International Group P&I Club; graduated Middlebury College (B.A.) and Tulane University School of Law (J.D.); formerly partner, Freehill Hogan & Mahar. Experienced in all types of P&I and pollution related claims, including ocean, tug/barge, and oil field.
Member: CMA, MLA

Mailing Address: 1407 Fairfield Beach Road, Fairfield, Connecticut 06824-6520

Mobile: (646) 430-4976

E-mail: pwiswell@southportassoc.com

WOLMAR, Soren

Born 1948. Ship broker and partner, Quincannon Associates, Inc., a ship broker firm specializing in chartering of chemical, gas and product tankers. Acting as charterer's broker and consultant for chemical producers, oil companies and trading companies. Formerly chartering manager of Danish ship owner, Weco-Shipping I/S (Rederi A/S Dannebrog), in charge of chartering, operation and sale and purchase. Also worked for Reederei John T. Essberger, Hamburg and James Burness & Sons Ltd., London with tankers as well as dry cargo vessels. Member of BIMCO's Broker Expert Panel and ASBA's Charter Party and Documentary Committee. Participated in the drafting of BIMCHEMVOY and ASBACHEMVOY. Trained Mediator.
Member: ASBA, MLA (NL)

Mailing Address: Quincannon Associates, Inc., One Rockefeller Plaza, Suite 220, New York, NY 10020

Telephone: (212) 246-0060

Fax: (212) 307-6088

Home Telephone: (516) 883-3462

Cell: (516) 236-3141

E-mail: swolmar@quincannon.com

YEARWOOD, Donald R.

Born 1939. Principal in Management Consulting Firm, Sanborn Yearwood & Associates. Formerly Chairman/CEO of U.S. and foreign shipping, trading and brokerage companies dealing with all cargoes and ship types (tankers, bulk carriers, container, LNG). Former Director/Chairman Shoreline Mutual and Arvak and various public companies. Worked in Europe, Middle East and Japan. Experience as an owner, charterer and broker with charter parties, sale and purchase, financing, newbuildings, technical (design and repair) matters and general management. Graduate of USMMA (BS) and City University of New York (MBA). Adjunct Professor at St. John's University (Int'l Trade), George Washington University (General Management - Masters' Program) and University of Maryland. Available for hearings in New York.
Member: ABS, API, SMPE, SNAME

Mailing Address: Sanborn Yearwood & Associates, 651 Ranger Court, Davidsonville, MD 21035

Telephone: (410) 956-8802

Cellular: (443) 822-1033

E-mail: dryearwood@verizon.net

<http://www.smany.org/sma/memberRoster.html>